

**BEFORE THE ALABAMA DEPARTMENT  
OF REHABILITATION SERVICES**

**IN RE: THE MATTER OF CALVIN SCOTT**

**A Full and Evidentiary Hearing Pursuant to the Randolph-Sheppard Vending Act 20 U.S.C. 107, et seq.**

**VOLUME IV**

**[Pages 226 to 260]**

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1 A. That was in January 1996.

2 Remember I showed you the letter.

3 Q. 1996?

4 A. Uh-huh.

5 Q. Okay. But what I'm asking is  
6 what evidence you have?

7 A. Well, I have the letters he  
8 wrote, those letters he wrote. It shows  
9 that -- it shows defamation of character.  
10 He discriminated on us by taking -- he  
11 didn't want us to have a swipe key. The  
12 janitors is not State employees and they  
13 have swipe keys. Even the night crew has  
14 got swipe keys. What's wrong with the  
15 vendor that's been there all these years  
16 having a swipe key?

17 Q. All right. I want you to  
18 listen carefully to my question. What  
19 evidence do you have that those things  
20 were because of Mr. Scott's race?

21 A. I'm saying it's in the letter  
22 that he wrote and for the request -- for  
23 the request we had.

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1 Q. Now, is there anything in one  
2 of the letters that mentioned race?

A. No. No. It's nothing in  
none of the letters mentioning race.

5 Q. Well, do you have -- is there  
6 a conversation that's occurred that  
7 mentioned race to cause you to think --

8                   A.        It's just the way we was  
9 treated by him.   It's the way we was  
10 treated by him.   That's how I feel.  
11 That's my feeling.

12 Q. I understand,

13 A. That's the way we feel, the  
14 way we was treated by him.

15 Q. I understand that's your  
16 feeling, and I don't mean to disrespect  
17 your feeling. But I'm saying you have  
18 that feeling. Do you have anything in  
19 evidence, a document or is there a  
20 conversation that has caused you to have  
21 that belief?

22                   A.        Yeah. Any time you request a  
23 parking place, a machine being moved and a

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1 swipe key to get in the building to do  
2 your work, he violated the ADA federal  
3 laws for Americans With Disabilities. And  
4 those are discriminations. He violated  
5 those.

6 Q. And I want to ask you again,  
7 and I want you to listen carefully to the  
8 question. I'm not sure you're  
9 understanding me. I need you to listen to  
10 the question. Do you have any evidence?  
11 Do you understand what I mean by evidence?

12 A. No. I don't have any  
13 evidence. No. I don't have any evidence.  
14 It's just -- it's just the dealing and the  
15 facts of the letters that -- because James  
16 Swarengin, we never had conversation.  
17 That's what I couldn't understand what was  
18 his problem. I've got a right to feel  
19 like he don't like us. I can work around  
20 him all day and not speak to him and do  
21 our business and never cause him any  
22 problems. Never disrespect him. None  
23 whatsoever. Whatever his problem is, I

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1 don't know. But I know how he treat us,  
2 and that's all I can go on is the results  
3 of how he treated us and the results of  
4 those three requests how it turned out to  
5 be so corrupt that he asked us to move.

6 Q. Okay.

7                   A.       And it didn't cost him  
8                   nothing and it wasn't no undue hardship.  
9                   He violated the Americans With  
10                  Disabilities Act. Any time --

11 Q. Okay. Now, let me ask you  
12 that next question. You say he violated  
13 the Americans With Disabilities Act,  
14 Ms. Scott; is that correct?

15                   A.        Yeah, because he didn't -- he  
16                   didn't want to get those -- he didn't get  
17                   those -- he gave them because he was  
18                   forced to give them.

19 Q. In what way did he violate  
20 the Americans With Disabilities Act?

21                   A.       They wrote for Calvin to  
22 move.  He wrote us -- for us to move.  He  
23 wrote us up to move.  They didn't tell

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1 Calvin nothing -- mention nothing about  
2 the request and what the meeting was all  
3 for. The meeting was called for the  
4 request that we'd put in about the swipe  
5 key and the -- and to get a swipe key, a  
6 parking place and a machine moved. It  
7 turned out to be a corrupt, terrible  
8 thing. We come home tired of getting  
9 phone calls on the 9th, because it was the  
10 31st out here with Ray. And that letter I  
11 wrote the Office of Civil Rights is dated  
12 February 3rd. I know it didn't take that  
13 long to get no swipe key. He was  
14 unaccommodating. He was unaccommodating.

15 Q. His failure to get you --  
16 it's your allegation his failure to get  
17 you a swipe key was --

18                   A.       For the blind vendor. It  
19 wasn't for me. It was for the blind  
20 vendor that's a permanent vendor there

21 Q. But you're alleging that that  
22 was a violation of the ADA?

23 A. It was

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1 Q. Okay.

2 A. He failed to accommodate.

3 Q. Now, I'll ask you again.

4 What evidence, if any, do you have that  
5 the failure to give Mr. Scott a swipe key  
6 was on account of his disability?

7 A. I don't have no evidence of  
8 it. Only thing I have is a conversation  
9 that he told me that I didn't work for the  
10 State. But I told him my husband work the  
11 State Business Enterprise Program and that  
12 is the State. That is the State. And  
13 that is a public building. That's a  
14 taxpayer building there. He works for the  
15 State because he's through the State  
16 Rehabilitation. That's why we are here.  
17 If he's self-employed, how could they push  
18 me off from working with him? I mean,  
19 they don't furnish the car, neither do  
20 they pay the driver. They don't do any of  
21 that. So it is. And then another  
22 thing --

23 Q. Excuse me. It's your

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1 contention that you're a State employee  
2 because your husband worked for the  
3 Business Enterprise Program?

4 A. No. I'm not a State  
5 employee. No. I'm not a State employee.  
6 I'm assisting to my husband.

7 Q. Do you believe that your  
8 husband is a State employee?

9 A. Yes, through the Business  
10 Enterprise Program because they are  
11 Rehabilitation -- Alabama State  
12 Rehabilitation Business Enterprise  
13 Program. Whether we have a contract or  
14 not, he pay eleven percent of his income  
15 to them and plus the escrow every month.  
16 So he is through the Business Enterprise.  
17 How could they up and tell him I couldn't  
18 be his driver?

19 Q. Okay.

20 A. Tell me that. How could they  
21 come in and do all this and talk about the  
22 program, this and all that if he's not an  
23 employee under them? They put them out

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1 there, these blind vendors out there and  
2 tell you you're self-employed. They stock  
3 it. You've got to go on your own. And if  
4 somebody comes in and robs you and  
5 vandalizes your machine, you're left out  
6 there with no pay. You've got to do the  
7 best you can to get your machines back up  
8 to get on your feet to earn a living. So  
9 he is with the State Rehabilitation  
10 Service. I'll contest that until I die  
11 because this -- this is how -- who he's  
12 involved with.

13 Q. Okay. Now, other than the  
14 testimony you've given here today and the  
15 exhibits that you've offered into  
16 evidence, do you have any other evidence  
17 that shows or would support your theory?

A. All I have are the facts.

A. All I have is facts

21 HEARING OFFICER: Let her finish  
22 asking her question.

23 Q. Other than the testimony

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1 you've given us and all the exhibits that  
2 you've offered here today, do you have any  
3 other evidence that either -- well, that  
4 Mr. Scott has been a victim of  
5 discrimination by Buddy Swearengin?

6                   A.        No. I don't have any  
7 evidence. The facts speak for themselves.

8 Q. Thank you.

9                   A.         Harassment, retaliation,  
10                  intimidation is discrimination. I got all  
11                  that information from the United States  
12                  Department of Education Office of Civil  
13                  Rights. All of that is retaliation. He  
14                  retaliated. We got intimidated. We got  
15                  harassed. We got --

16 MR. SCOTT: Threats.

17                   A.        We had threats. All of that  
18        is discrimination.

19 Q. And, again, Ms. Scott, since  
20 you've introduced all of that, is all your  
21 evidence of those things, has it been  
22 introduced here in these proceedings  
23 today?

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1 A. Well, those letters prove it.

2 Anybody read those letters, they can put  
3 it together.

4 Q. The letters --

5 A. The facts --

6 Q. Excuse me, Ms. Scott. I need  
7 you to listen to my question. The letters  
8 that you have put into evidence here  
9 today, those are the letters you're  
10 speaking of; is that correct?

11 A. Yes. Uh-huh.

12 Q. And you have no other  
13 evidence other than what has been  
14 presented today?

15 A. No. And this is something I  
16 want to speak about in this --

17 Q. Please just respond to my  
18 question.

19 HEARING OFFICER: You've  
20 responded to her question.

21 Q. Do you have any other  
22 evidence of discrimination other than what  
23 you've presented?

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1 A. That's all I have.

2 MR. SCOTT: That's it.

3 MS. FLEMING: Thank you.

4 HEARING OFFICER: Now, I guess  
5 we're back to Ms. Scott. Do you have  
6 anything else?

7 MS. SCOTT: Yes. I would like  
8 to mention this here in the State  
9 Code here.

10 HEARING OFFICER: All right. I  
11 think why don't you hold on to that  
12 for now. It sounds like you want to  
13 make some argument at this time. Am  
14 I correct? Well, maybe you don't  
15 know.

16 MS. SCOTT: I'm not trying to  
17 make an argument because I've turned  
18 in the facts. I've turned in the  
19 facts. And I understand --

20 HEARING OFFICER: Then we'll go  
21 back to what you wanted to do earlier  
22 then.

23 MS. SCOTT: Okay. And also what

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1 Ray Dennis done -- well, we had to  
2 take all the money up. We missed two  
3 weeks pay in March because we had no  
4 money accumulate in the machines. We  
5 had to be filling them. And so  
6 Calvin has service with Coca-Cola  
7 Bottling Company. They come in and  
8 service the machines. And his check  
9 didn't come for February. He got  
10 inventoried out on the 23rd. Well,  
11 the month of February was Calvin's --  
12 that was still Calvin's facility. So  
13 I told Calvin, I said, You need to  
14 call down at Coke and see what's the  
15 matter with your check, because we  
16 called way up in Florida where the  
17 checks are cut at, and they didn't  
18 have nothing for Calvin. So I told  
19 him he better call the bottling  
20 company here. And we even went out  
21 there. Ken Green called us on the  
22 18th of March. This is the letter I  
23 wrote. On the 18th of March from Ken

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1 Green says Ray told him to call and  
2 tell Calvin that his check would be  
3 late, that he had put a hold on his  
4 Coke commission check. So we went  
5 there and talked to him. We was  
6 trying to find out. We wanted copies  
7 of where Ray had called out there, a  
8 letter or what. We was trying to get  
9 copies of it. And I faxed Ms. Thelma  
10 that same day a letter and explained  
11 to her and told her who the man was.  
12 And if I find that letter again, I  
13 will. I've got a copy of it. But  
14 anyway, he put a hold on his check.  
15 Normally you get the check, the  
16 February check, you'll get it in  
17 March around about the middle of  
18 March or maybe around the first week  
19 in March. This check didn't come.

20 HEARING OFFICER: Okay. If I  
21 understand you correctly, a hold was  
22 put on Mr. Scott's February check and  
23 it did not get there until sometime

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1 when?

2 MS. SCOTT: April. He closed us  
3 out on every financial situation he  
4 could. Ray did. Done pushed him  
5 out, took -- and the month of  
6 February was his. The last day that  
7 Coke serviced those machines was  
8 February the 22nd, and I have  
9 invoices here. He inventoried Calvin  
10 out on the 23rd. But the month of  
11 February, that commissions check,  
12 Calvin earned that. That was his  
13 check. That check was his. He  
14 shouldn't have put a hold on Calvin's  
15 check. And there we didn't have no  
16 income coming in. We wasn't allowed  
17 to go down to the building and stock  
18 the machines, because I wanted to go  
19 down and take the money out and let  
20 him have it. But I wasn't permitted  
21 in the building.

22 And let me see what it was I've  
23 got in here. Oh, yeah. Because

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1                   we've having to leave invoices for  
2                   the amount of cases that they put in  
3                   those machines. So these are the  
4                   invoices. The last day of service  
5                   for Coke was February the 22nd.

6                   HEARING OFFICER: I've got to  
7                   tell you I don't understand what  
8                   you're saying to me about Coca-Cola.

9                   MS. SCOTT: February the 22nd.  
10                  Here's the man's name and all that.

11                  MR. SIMPSON: I may be able to  
12                  explain it if you'd like a  
13                  stipulation that she might even  
14                  accept.

15                  HEARING OFFICER: Do you want to  
16                  just be quiet and listen for a  
17                  minute?

18                  MS. SCOTT: Well, we run this  
19                  business and I would like --

20                  HEARING OFFICER: Do you want to  
21                  be quiet and just listen for a  
22                  minute?

23                  MS. SCOTT: Okay.

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1                   HEARING OFFICER: In a procedure  
2                   like this, the parties can stipulate  
3                   to certain facts if both sides agree  
4                   with a certain set of facts.

5                   MS. SCOTT: Okay.

6                   HEARING OFFICER: And I can  
7                   accept that as a stipulation --

8                   MS. SCOTT: Okay.

9                   HEARING OFFICER: -- without any  
10                  evidence at all. Mr. Simpson is  
11                  about to offer you-all a stipulation  
12                  to see if you want to agree with it.

13                  MR. SIMPSON: A portion of  
14                  Mr. Scott's income, a part of his  
15                  income is derived from payments made  
16                  by Coca-Cola and Pepsi directly to  
17                  him of a commission based on the  
18                  sales out of Coca-Cola and the Pepsi  
19                  drink machines that Mr. Scott doesn't  
20                  have to service, load. The  
21                  representatives of Coca-Cola and  
22                  Pepsi load. Mr. Ray Dennis when  
23                  this -- these problems arose and it

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1           appeared that Mr. Scott was going to  
2           be removed on February 24th notified  
3           Coca-Cola and Pepsi that he was no  
4           longer going to be the blind vendor  
5           assigned to the Gordon Persons  
6           Building. This caused the Coca-Cola  
7           and Pepsi companies to stop payments  
8           on the checks that would normally  
9           arrive to Mr. Scott. All those  
10          things happened. We admit that.  
11          That's exactly what happened.

20 HEARING OFFICER: Do you-all  
21 accept that stipulation?

22 MS. SCOTT: No. I want to say  
23 this

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1                   HEARING OFFICER: Do you accept  
2                   any part of the stipulation?

3                   MS. SCOTT: Yeah. Some parts of  
4                   it.

5                   HEARING OFFICER: Well, hold on  
6                   a minute. Do you accept the  
7                   stipulation that a portion of  
8                   Mr. Scott's income is derived from  
9                   commissions on Coke and Pepsi  
10                  machines in the Gordon Persons  
11                  Building?

12                  MS. SCOTT: Yes.

13                  HEARING OFFICER: And that  
14                  Mr. Scott does not have service?

15                  MS. SCOTT: Yes.

16                  HEARING OFFICER: You accept  
17                  that stipulation?

18                  MS. SCOTT: Yes.

19                  HEARING OFFICER: Do you accept  
20                  the stipulation that Mr. Scott  
21                  advised Coke and Pepsi that Mr. Scott  
22                  had -- Mr. Dennis advised Coke and  
23                  Pepsi that Mr. Scott was going to be

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1 removed?

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2 MS. SCOTT: Do I accept it?

3 HEARING OFFICER: Yes.

4 MS. SCOTT: Well, he said Calvin  
5 never was removed, but he done called  
6 these people and said that he's being  
7 removed.

8 HEARING OFFICER: You don't  
9 accept the stipulation?

10 MS. SCOTT: Of him saying he was  
11 removed? Yes, I accept it, because  
12 he had removed him. He had  
13 inventoried him out.

14 HEARING OFFICER: I don't  
15 understand why you have to argue when  
16 you say that you accept it.

17 MS. SCOTT: Well --

18 HEARING OFFICER: You're  
19 accepting the stipulation that when  
20 it appeared that Mr. Scott was going  
21 to be removed, Mr. Dennis advised  
22 Coke and Pepsi of that fact. Do you  
23 accept that stipulation?

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1 MS. SCOTT: Yes. Okay. Yes.  
2 HEARING OFFICER: And do you  
3 accept the stipulation that later on  
4 when it appeared -- when it was  
5 determined that Mr. Scott was not  
6 going to be removed, Mr. Dennis  
7 informed Coke and Pepsi of that fact?

8 MS. SCOTT: Well, you know, I  
9 don't know who informed them. I  
10 don't know how to answer that  
11 question because we had been down  
12 there and --

13 HEARING OFFICER: You decline to  
14 accept the stipulation. That's all  
15 I'm asking. Yes or no?

16 MS. SCOTT: Oh, I don't know. I  
17 don't know.

18 HEARING OFFICER: All I'm asking  
19 is yes or no. You don't have to say  
20 I don't know. I don't know. That's  
21 so argumentative.

22 MS. SCOTT: Something happened  
23 that he got his check back. It was a

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1 month we didn't get it. In April and  
2 May, we got it -- we got it in April  
3 on April the 6th.

4 HEARING OFFICER: Okay. You  
5 received a check on what date in  
6 April?

7 MS. SCOTT: April the 6th, 2005.

8           Normally the checks would have come  
9           out around March the 6th, 2005. So  
10          we was a month late getting the  
11          check.

12 HEARING OFFICER: I understand.

MS. SCOTT: And also through him  
doing that, it also threw Calvin's  
March check from being late with all  
the confusion and all the calling and  
stopping that Ray had done, that they  
put a hold on the check.

19 HEARING OFFICER: Your testimony  
20 is that the March check was also  
21 late?

22 MS. SCOTT: Uh-huh. It was also  
23 late

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1 HEARING OFFICER: How late was  
2 it?

3 MS. SCOTT: We didn't get March  
4 check --

5 HEARING OFFICER: How late was  
6 it?

7 MS. SCOTT: Oh, it probably was  
8 a month late.

9 MR. SCOTT: It was over a month.

10 MS. SCOTT: Uh-huh. Uh-huh.

11 HEARING OFFICER: Any further  
12 evidence?

13 MS. SCOTT: No. You didn't want  
14 these invoices?

15 HEARING OFFICER: That's up to  
16 you.

17                   MS. SCOTT: They inventoried him  
18                   out on the 22nd. And what I am  
19                   saying, that Ray was wrong.

20 HEARING OFFICER: Do you want to  
21 offer this?

22 MS. SCOTT: I want to offer  
23 this. And the 22nd was the last day

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1           they serviced that. That check was  
2           really Calvin's. He should not have  
3           put a hold on that check.

4 HEARING OFFICER: You want to  
5 offer this as Exhibit Number 26.

6 MS. SCOTT: Last day of service  
7 was on the 22nd. There you go. This  
8 is the month of February.

13 MS. SCOTT: Proves that he  
14 deliberately put a hold on Calvin's  
15 check after pushing us out. And we  
16 didn't have no means of income  
17 because the month of February was  
18 definitely Calvin's.

19 HEARING OFFICER: All right. If  
20 I understand this correctly,  
21 Defendant's Exhibit Number 26 is  
22 offered for the purpose of showing  
23 that Mr. Scott was deliberately

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1 pushed out.

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2 MS. SCOTT: He cut out his  
3 check. He called to stop his check.  
4 I mean, the whole month of February  
5 was his. The last day it was  
6 serviced was February 22nd. He  
7 inventoried him out on the 23rd. So  
8 that means like that next Tuesday  
9 would have been whoever else was  
10 going to be vendor. That month of  
11 February, the check belonged to  
12 Calvin. He shouldn't have put a hold  
13 on that check.

14 HEARING OFFICER: That's Mr. --  
15 who are you referring to? Mr. who?

16 MS. SCOTT: Ray Dennis.

17 HEARING OFFICER: Mr. Dennis.  
18 Okay. Anything else? Any other  
19 evidence? All right.

20 MS. SCOTT: I don't know whether  
21 you have a copy of this where I wrote  
22 up about --

23 HEARING OFFICER: I don't have

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1 anything other than what I'm offered  
2 here today.

3 MS. SCOTT: Well, this is where  
4 I wrote to whom it concerned about  
5 the --

6 HEARING OFFICER: You want to  
7 offer that in evidence?

8 MS. SCOTT: Offer that. Yes.

9 They have that, you know.

10 HEARING OFFICER: This is --

11 MS. SCOTT: It's where I wrote  
12 and explained to them that we was --

13 MR. SIMPSON: I believe that  
14 it's actually a copy of  
15 correspondence that's already in  
16 there.

17 MS. SCOTT: Some might be in  
18 there. Representative Thad McClammy  
19 is one and along with all those  
20 letters I sent. I faxed him one  
21 along with all the letters.

22                   HEARING OFFICER: If it's  
23                   already in, we don't need any extra

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1 paper.

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2 MS. SCOTT: All right.

3 HEARING OFFICER: Is there  
4 anything further?

5 MS. SCOTT: Not that I can think  
6 of right now.

7 MR. SCOTT: No.

8 HEARING OFFICER: Well, this is  
9 the last opportunity for this  
10 hearing.

11 MS. SCOTT: I hope I done told  
12 it all.

13 HEARING OFFICER: Is there  
14 anything further from ADRS?

15 MR. SIMPSON: No, sir.

16 HEARING OFFICER: From the  
17 Finance Department? You're  
18 representing Mr. Swearengin.

19 MS. FLEMING: No.

20 MS. SCOTT: It's just that I  
21 didn't -- somehow or other I  
22 misplaced that where Ray Dennis  
23 inventoried Calvin out.

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1 HEARING OFFICER: Well, we're  
2 through with all the evidence. Okay?  
3

4 MS. SCOTT: All right. And I  
5 couldn't find it.  
6

7 HEARING OFFICER: We're through  
8 with all the evidence.  
9

10 MS. SCOTT: Okay.  
11

12 HEARING OFFICER: You know, if  
13 this were a jury trial, it would be  
14 traditional to offer both sides the  
15 opportunity to make a closing  
16 argument. But this is sort of a  
17 unique situation here in that we have  
18 folks on the right-hand side of the  
19 table who are not lawyers and who are  
20 not represented by lawyers in this  
21 proceeding. Lawyers typically make  
22 closing arguments and know how to  
23 make closing arguments, and lay  
people generally don't know how to do  
that. The other thing is that in a  
non-jury case or in a hearing in  
which there is no jury, closing

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1 arguments are not the norm. So I  
2 will ask, given all that, does  
3 anybody want to make any closing  
4 arguments?

5 MR. SIMPSON: No, Your Honor.

6 MS. SCOTT: Well, I would just  
7 like to say that we done no wrong to  
8 be pushed out like we did because of  
9 three simple requests. It came out  
10 to be corrupt. Calvin asked Ray and  
11 them to go get him a key. We got  
12 pushed out because he needed  
13 accommodations. And the ADA laws  
14 state that people with disabilities  
15 are supposed to work and enjoy their  
16 place of employment. And these  
17 things, the changes that he made was  
18 for him to have -- for his work to go  
19 along better for him. A swipe key  
20 and don't have no trouble parking at  
21 the loading dock. And the placement  
22 of that machine being moved from down  
23 there in a corner in a little room

## FREEDOM COURT REPORTING

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1 out of the eyes of the people, it  
2 didn't cause -- there was no undue  
3 hardship. That was an evil and a  
4 cruel thing to do to us, and Calvin's  
5 advocates went along with it to push  
6 us out. That was an evil thing to  
7 do. We'd done no harm, done nothing  
8 but good. You think that the  
9 building is so big. They was more  
10 worried about Calvin making a hundred  
11 thousand dollars. It's been a mess  
12 about that building from the  
13 beginning. They got rid of  
14 Calvin's --

15 HEARING OFFICER: Well, this is  
16 the time to comment on the evidence.  
17 We don't want comment on stuff that's  
18 not in evidence. Go ahead. I didn't  
19 mean to interrupt.

20 MS. SCOTT: But that was a cruel  
21 thing to do, to come up with that,  
22 the results, because the swipe key  
23 being taken from us and the requests

## FREEDOM COURT REPORTING

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1 being sent to his advocates down to  
2 do for him, they done nothing. And I  
3 had asked Ray. Ray knew that  
4 Swearengin wasn't going to do it.  
5 But each time Keith Green went to  
6 them, he said for us to move. Every  
7 time Ken brought that back. And that  
8 was cruel. It didn't cost him  
9 nothing. And his employees have to  
10 do their work. Ray and them stood by  
11 and allowed him because they said  
12 that he's the building manager.  
13 Well, they are the State licensing  
14 agency. How can a building manager  
15 tell you what blind vendors are put  
16 in a State public building? He's not  
17 supposed to have that power over  
18 y'all. You're the State licensing  
19 agency. Y'all stood by and allowed  
20 it to happen. You could have went  
21 and done what I done. I got on a  
22 mountain and screamed. I wrote all  
23 them people to get us back to work.

## FREEDOM COURT REPORTING

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1           And I had told you, Ray, to go to the  
2           utmost part to get it done, that it  
3           wasn't no sin and it wasn't no crime.

4           HEARING OFFICER: Well, I want  
5           you to talk to me.

6           MS. SCOTT: Okay. Anyway,  
7           that's what I told him. And it's  
8           just terrible that it turned out, you  
9           know, like it did for us. It's a  
10          hurting thing. Calvin's emotionally  
11          disturbed. He couldn't hardly talk  
12          on the phone when the United States  
13          Government called. I'm the one that  
14          got on there. He was so disgusted  
15          with Perry. Perry was supposed to  
16          hit the ceiling and walk out on this.  
17          Ray has never caused Calvin nothing  
18          but problems from day one. He sued  
19          to be Calvin's rep.

20           HEARING OFFICER: We don't -- we  
21          don't have any evidence on that.

22           MS. SCOTT: Okay. All right.

23           HEARING OFFICER: I don't want

# FREEDOM COURT REPORTING

1 to cut you off, but do you have  
2 anything else you want to say about  
3 the law or the evidence presented  
4 today?

5 MS. SCOTT: No. No more than it  
6 was terrible what happened. It was a  
7 very terrible thing for him to do to  
8 us.

9                           HEARING OFFICER: Okay. I've  
10                          heard that three times. Is there  
11                          anything else?

19 HEARING OFFICER: He gave  
20 you-all all that time to arrange this  
21 and he only gives me five days.

MS. SCOTT: But he said in a month, in thirty days.

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1                   HEARING OFFICER: I have the  
2                   order.

3                   MR. SIMPSON: I just wanted  
4                   to --

5                   HEARING OFFICER: I have the  
6                   order.

7                   MS. SCOTT: The order say five  
8                   days?

9                   HEARING OFFICER: I have the  
10                  order. You can read it and I can  
11                  read it.

12                  MS. SCOTT: We got an order that  
13                  he sent to us, too. And down in the  
14                  court he said we had thirty days.  
15                  And I also have recorded -- I went by  
16                  and picked up a court report --

17                  HEARING OFFICER: No, ma'am.  
18                  That's not necessary.

19                  MS. SCOTT: -- on the hearing  
20                  that was done there. I also have  
21                  that. I went by and picked it up,  
22                  paid money to get it.

23                  MR. SIMPSON: The other thing

## FREEDOM COURT REPORTING

1 that I wanted to point out that I'm  
2 not sure Magistrate Coody addresses  
3 in his order, the next step in the  
4 due process proceeding set out in the  
5 federal statute Randolph-Sheppard  
6 Act --

7 HEARING OFFICER: Arbitration.

8 MS. SIMPSON: The Department  
9 would request that any order that you  
10 would issue would set out that the  
11 next step is to file a complaint with  
12 the Secretary of the United States  
13 Department of Education.

14 HEARING OFFICER: Okay.

15 MR. SIMPSON: That's all.

16 HEARING OFFICER: All right.

17 Well, this hearing is adjourned.

18

# FREEDOM COURT REPORTING

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1 CERTIFICATE

2

3 STATE OF ALABAMA

4 ELMORE COUNTY

5

6 I hereby certify that the  
7 above and foregoing proceeding was  
8 taken down by me in stenotype and the  
9 questions and answers thereto were  
10 transcribed by means of computer-aided  
11 transcription, and that the foregoing  
12 represents a true and correct transcript  
13 of the testimony given by said witnesses  
14 upon said hearing.

15 I further certify that I am  
16 neither of counsel, nor of kin to the  
17 parties to the action, nor am I in anywise  
18 interested in the result of said cause.

19

20

21

Virginia Denese Barrett

22

VIRGINIA DENESE BARRETT

23

MY COMMISSION EXPIRES 5/19/07